



General Assembly

February Session, 2010

***Raised Bill No. 5121***

LCO No. 893

\*00893\_\_\_\_\_ENV\*

Referred to Committee on Environment

Introduced by:  
(ENV)

***AN ACT CONCERNING REVISIONS TO THE ENVIRONMENTAL  
JUSTICE COMMUNITY STATUTE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-20a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) As used in this section:

4 (1) "Environmental justice community" means (A) a United States  
5 census block group, as determined in accordance with the most recent  
6 United States census, for which thirty per cent or more of the  
7 population consists of low income persons who are not  
8 institutionalized and have an income below two hundred per cent of  
9 the federal poverty level, or (B) a distressed municipality, as defined in  
10 subsection (b) of section 32-9p;

11 (2) "Affecting facility" means any (A) electric generating facility with  
12 a capacity of more than ten megawatts; (B) sludge or solid waste  
13 incinerator or combustor; (C) sewage treatment plant with a capacity  
14 of more than fifty million gallons per day; (D) intermediate processing

15 center, volume reduction facility or multitown recycling facility with a  
16 combined monthly volume in excess of twenty-five tons; (E) new or  
17 expanded landfill, including, but not limited to, a landfill that contains  
18 ash, construction and demolition debris or solid waste; (F) medical  
19 waste incinerator; or (G) major source of air pollution, as defined by  
20 the federal Clean Air Act. "Affecting facility" shall not include (i) the  
21 portion of an electric generating facility that uses nonemitting and  
22 nonpolluting renewable resources such as wind, solar and hydro  
23 power or that uses fuel cells, (ii) any facility for which a certificate of  
24 environmental compatibility and public need was obtained from the  
25 Connecticut Siting Council on or before January 1, 2000, or (iii) a  
26 facility of a constituent unit of the state system of higher education that  
27 has been the subject of an environmental impact evaluation in  
28 accordance with the provisions of sections 22a-1b to 22a-1h, inclusive,  
29 and such evaluation has been determined to be satisfactory in  
30 accordance with section 22a-1e;

31 (3) "Meaningful public participation" means (A) residents of an  
32 environmental justice community have an appropriate opportunity to  
33 participate in decisions about a proposed facility or the expansion of  
34 an existing facility that may adversely affect such residents'  
35 environment or health; (B) the public's participation may influence the  
36 regulatory agency's decision; and (C) the applicant for a new or  
37 expanded permit, certificate or siting approval seeks out and facilitates  
38 the participation of those potentially affected during the regulatory  
39 process; and

40 (4) "Community environmental benefit agreement" means a written  
41 agreement entered into by a municipality and an owner or developer  
42 of real property whereby the owner or developer agrees to develop  
43 real property that is to be used for any new or expanded affecting  
44 facility and to provide financial resources for the purpose of the  
45 mitigation, in whole or in part, of impacts reasonably related to the  
46 facility, including, but not limited to, impacts on the environment,  
47 traffic, parking and noise.

48 (b) (1) Applicants who, on or after January 1, 2009, seek to obtain  
49 any certificate under chapter 277a, new or expanded permit or siting  
50 approval from the Department of Environmental Protection,  
51 Department of Public Utility Control, Department of Economic and  
52 Community Development or the Connecticut Siting Council involving  
53 an affecting facility that is proposed to be located in an environmental  
54 justice community or the proposed expansion of an affecting facility  
55 located in such a community, shall (A) file a meaningful public  
56 participation plan with such department or council and shall obtain  
57 the department's or council's approval of such plan prior to filing any  
58 application for such permit, certificate or approval; and (B) [consult]  
59 negotiate the terms of a community environmental benefit agreement  
60 in accordance with subsection (d) of this section with the chief elected  
61 official or officials of the town or towns in which the affecting facility is  
62 to be located or expanded. [to evaluate the need for a community  
63 environmental benefit agreement in accordance with subsection (d) of  
64 this section.]

65 (2) Each such meaningful public participation plan shall contain  
66 measures to facilitate meaningful public participation in the regulatory  
67 process and a certification that the applicant will undertake the  
68 measures contained in the plan. Such plan shall identify a time and  
69 place where an informal public meeting will be held that is convenient  
70 for the residents of the affected environmental justice community. In  
71 addition, any such plan shall identify the methods, if any, by which the  
72 applicant will publicize the date, time and nature of the informal  
73 public meeting in addition to the publication required by subdivision  
74 (3) of this subsection. Such methods may include, but not be limited to,  
75 (A) posting a reasonably visible sign on the proposed or existing  
76 facility property, printed in English, in accordance with any local  
77 regulations and ordinances, (B) posting a reasonably visible sign,  
78 printed in all languages spoken by at least twenty per cent of the  
79 population that reside within a one-half of a mile radius of the  
80 proposed or existing facility, in accordance with local regulations and  
81 ordinances, (C) notifying neighborhood and environmental groups, in

82 writing, in a language appropriate for the target audience, and (D)  
83 notifying local and state elected officials, in writing.

84 (3) Not less than ten days prior to the informal public meeting and  
85 not more than thirty days prior to such meeting, the applicant shall  
86 publish the date, time and nature of the informal public meeting with  
87 [a minimum one-quarter page] an advertisement in a newspaper  
88 having general circulation in the area affected, and any other  
89 appropriate local newspaper serving such area, in the Monday issue of  
90 a daily publication or any day in a weekly or monthly publication. The  
91 headline for any such advertisement shall be printed in twenty point  
92 font and any remaining information in such advertisement shall be  
93 printed in twelve point font. The applicant shall post a similar  
94 notification of the informal public meeting on the applicant's web site,  
95 if applicable.

96 (4) At the informal public meeting, the applicant shall make a  
97 reasonable and good faith effort to provide clear, accurate and  
98 complete information about the proposed facility or the proposed  
99 expansion of a facility and the potential environmental and health  
100 impacts of such facility or such expansion.

101 (5) The Department of Environmental Protection or the Connecticut  
102 Siting Council shall not take any action on the applicant's permit,  
103 certificate or approval earlier than sixty days after the informal public  
104 meeting.

105 (6) In the event that the Connecticut Siting Council has approved a  
106 meaningful public participation plan concerning a new or expanded  
107 facility and an informal public meeting has been held in accordance  
108 with this subsection, the Department of Environmental Protection may  
109 approve such plan and waive the requirement that an additional  
110 informal public meeting be held in accordance with this subsection.

111 (c) Any municipality, owner or developer may enter into a  
112 community environmental benefit agreement in connection with an

113 affecting facility. Mitigation may include both on-site and off-site  
114 improvements, activities and programs, including, but not limited to:  
115 Funding for activities such as environmental education, diesel  
116 pollution reduction, construction of biking and walking trails, staffing  
117 for parks, urban forestry, support for community gardens or any other  
118 negotiated benefit to the environment in the environmental justice  
119 community. Prior to negotiating the terms of a community  
120 environmental benefit agreement, the municipality shall provide a  
121 reasonable and public opportunity for residents of the potentially  
122 affected environmental justice community to be heard concerning the  
123 need for, and terms of, such agreement.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2010</i>	22a-20a
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***Statement of Purpose:***

To expand the agencies covered by the environmental justice community statute, alter newspaper notice requirements under the statute and require negotiation of a community environmental benefit agreement.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*